

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICK A. YOUNG,

Plaintiff,

v.

JOSEPH LEHMAN, *et al.*,

Defendants.

Case No. C03-5588FDB

ORDER ADOPTING REPORT &  
RECOMMENDATION AND  
DENYING MOTION TO TAKE  
COSTS FROM SAVINGS

The Magistrate Judge recommends granting Defendants' motion for summary judgment and dismissing Plaintiff's causes of action for the following reasons: (1) failure to exhaust administrative remedies; (2) because claims under Title II of the ADA may not be brought in a § 1983 action; (3) because Plaintiff failed to follow the Title I's required administrative procedures; and (4) because the regulations relied upon by prison officials are reasonably related to legitimate penological interests. Plaintiff objects to the R&R by, among other things, presenting his view of the circumstances, contending that Magistrate Judge Arnold has a deep-seated prejudice against him, and taking issue with the Magistrate Judge's application of case law.


Plaintiff's objections are not convincing. The Magistrate Judge's Report and Recommendation is well reasoned and will be adopted by the Court.

1 Plaintiff also moves for an order directing payment of costs from Plaintiff's savings account.  
2 While certain withdrawals from offenders savings account accessible by a court (tax levies, support  
3 enforcement orders, costs, sanctions and attorneys fees, *e.g.*), under the circumstances of this case,  
4 recovering costs from Plaintiff's savings account is not in Plaintiff's long-term best interest.

5 ACCORDINGLY, IT IS ORDERED:

- 6 1. The Court adopts the Report and Recommendation;
- 7 2. Defendant's Motion for Summary Judgment is GRANTED;
- 8 3. Plaintiff's Motion to File Overlength Brief [Dkt. # 100] is GRANTED;
- 9 4. Plaintiff's Motion for Order Directing Payment of Cost from Plaintiff's Savings  
10 Account [Dkt. # 99] is DENIED;
- 11 5. The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
12 Defendants, and to the Honorable J. Kelley Arnold.

13 DATED this 10<sup>th</sup> day of June, 2005.

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15 FRANKLIN D. BURGESS  
16 UNITED STATES DISTRICT JUDGE  
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